

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2013 - 291

AN ORDINANCE TO AMEND THE CLAYTON COUNTY CODE OF ORDINANCES, SPECIFICALLY CHAPTER 86 "SUBDIVISIONS", ARTICLE II "TREE PROTECTION" SO AS TO AMEND SECTION 86-55 "DEFINITIONS"; TO DELETE SECTION 86-56 "TREE BANK AND TREE FUND" AND INSERT IN LIEU THEREOF A NEW SECTION 86-56; TO DELETE SECTION 86-57 "COUNTY ARBORIST" AND INSERT IN LIEU THEREOF A NEW SECTION 86-57; TO DELETE SECTION 86-58 "GREENSPACE TRUST BOARD" AND INSERT IN LIEU THEREOF A NEW SECTION 86-58; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

PART I

Section 1. The Clayton County Code of Ordinances, as amended, is hereby further amended by amending Chapter 86 "Subdivision", Article II "Tree Protection", Section 86-55 "Definitions" to include the following terms:

86-55. Definitions

For the purpose of these regulations, certain words or terms used shall be defined as follows:

County Arborist: The person appointed by the County Commission to administer the Tree Protection Ordinance (this Article). Person should be versed in the art of Arboriculture and Urban Horticulture, including tree pruning the prevention and cure of tree diseases and the control of insect pest and possess a Georgia Department of Agriculture Commercial Pesticide Applicators License.

Extension Service

Agriculture and Natural Resources Agent

Person who holds joint employment with the County and the University of Georgia College of Agricultural and Environmental Sciences.

Section 2. The Clayton County Code of Ordinances, as amended, is hereby further amended by deleting Section 86-56 "Tree Bank & Tree Fund" and inserting in lieu thereof a new Section 86-56 "Tree Bank & Tree Fund" to read as follows:

86-56. Tree Bank and Tree Fund

- A. **Designation.** The Tree Bank and Tree Bank Fund are hereby established for Clayton County.
- B. **Oversight and Administration.** The Tree Bank and Tree Bank Fund shall be overseen and administered by the Clayton County Greenspace Trust Board.
- C. **Applicability.** If the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent determine that it is not feasible to relocate or replace trees on-site, the tree removal permit holder may satisfy the tree replacement requirement by paying into the hereby established Tree Bank or Tree Bank Fund.
- D. **Tree Bank.** The Tree Bank refers to areas (typically public land, parks, etc.) set aside as permanent receiver sites for tree plantings. Planting may be carried out directly by the developer/landowner.
- E. **Tree Bank Fund.** The Tree Bank Fund refers to a fund created to receive and hold monies paid by tree removal permit holder(s) in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, and other approved property within the County only.
- F. **Value.** The value for monies paid into the Tree Bank Fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten (10) percent of that price for maintenance, with the exception of lost trees as noted in Article 1.14

Section 3. The Clayton County Code of Ordinances, as amended, is hereby further amended by deleting Section 86-57 "County Arborist" and inserting in lieu thereof a new Section 86-57 "County Arborist" to read as follows:

86-57. County Arborist

- A. **Designation.** The County shall employ a County Arborist and/ or designate the Extension Service Agriculture and Natural Resources Agent to administer this Ordinance.
- B. **Duties.** The duties of the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent shall include those duties listed below.
 - 1. **Review and Approval.** Review and approve or disapprove all plans required by this Ordinance based on the guidelines established herein.
 - 2. **Variances.** The County Arborist and/ or Extension Service Agriculture and Natural Resources Agent shall consider and act upon requests for variances as provided within fifteen (15) business days of receipt of any such plans or requests for variance.
 - 3. **Inspections and Compliance.** Conduct such inspections as are necessary to see that compliance with the applicable Articles of this Ordinance is achieved and maintained.
 - 4. **Trees in Public Areas.** Direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter in any public area of the County, excluding the right-of ways.
 - 5. **Violations.** Make cases for violations of applicable portions of this Ordinance, to issue summons directed to the offenders and to appear in the Recorder's Court or such other court as shall have jurisdiction of the matter.
 - 6. **Preparation of Standards and Specifications.** Produce tree planting and maintenance standards and specifications to specify planting methods, maintenance and location of trees outside of the public rights-of-way and clear zones, in parks and in public places within the County. Produce and maintain list of chemicals toxic to trees.

7. **Tree Protection Ordinance Revisions.** In cooperation with the Tree Commission, the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent shall maintain and annually review the Tree Protection Ordinance. Proposed changes to the Article shall be recommended for adoption by resolution of the Board of Commissioners. Upon adoption, the changes shall become part of this Article.
8. **Tree List Revisions.** In cooperation with the Tree Commission, the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent shall maintain and annually review the Clayton County Tree List (Appendix A). Proposed changes to the designation of species of trees shall be recommended for adoption by resolution of the Board of Commissioners. Upon adoption, the changes shall become part of this Article.
9. **Street Trees.** Prepare the Official Street Tree Planting Plan and Program, with the Board of Commissioners approval, along all major arterial streets, collector streets, and publicly owned spaces, including the preparation of detailed plans and specifications for all areas covered by the tree planting plan. All trees must be planted outside of the clear zone as specified by Article 6.27 of the Zoning Ordinance
10. **Cooperation with Other Agencies.**
 - a. **Cooperation.** Cooperate closely with and assist the Community Development Department, the Economic Development Department, the Parks and Recreation Department, the Transportation and Development Department, and all other County departments of this government in a program to protect and maintain existing trees and green areas and all County-owned and recreational lands and properties.
 - b. **Review and Comment.** Review and comment on the proposed landscaping plans of all recreation lands and other public properties within the County.
11. **Proposed Landscape Plans.** Review and make recommendations or comments on all proposed landscaping or development plans of any department of the County except County authorized roadway projects, or any plans of whatever nature which propose the planting or removal of any public trees.
12. **Monitoring.** Monitor the impact of the requirements of this Ordinance through canopy studies, tree inventories and other methods, and report on the same to the Board of Commissioners.
13. **Recommendations to the Board of Commissioners.**
 - a. **Recommendations.** Study and make recommendations to the Board of Commissioners regarding the planting, maintenance and protection of trees on public property.
 - b. **Special Matters or Questions.** Consider, investigate, make findings, report and recommend on any special matter or question coming within the scope of its work.

Section 3. The Clayton County Code of Ordinances, as amended, is hereby further amended by deleting Section 86-58 "Greenspace Trust Board" and inserting in lieu thereof a new Section 86-58 "Greenspace Trust Board" to read as follows:

86-58. Greenspace Trust Board

- A. **Designation.** The Board of Commissioners of Clayton County shall appoint a Greenspace Trust Board by resolution.
- B. **Duties.** The duties of the Greenspace Trust Board as delineated under this Tree Protection Ordinance shall include.

1. **Tree Protection Ordinance Revisions.** In cooperation with the County Arborist, the Greenspace Trust Board shall annually review this Article. Proposed changes to the Article shall be recommended for adoption and approval by resolution of the Board of Commissioners. Upon adoption, the changes shall become part of this Article.
2. **Tree List Revisions.** In cooperation with the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent, the Greenspace Trust Board shall annually review the Clayton County Tree List (Appendix A of this Article). Proposed changes to the designation of species of trees shall be recommended for adoption and approval by resolution of the Board of Commissioners. Upon adoption, the changes shall become part of this Article.
3. **Administration & Management of Tree Bank and Tree Bank Fund.** The Greenspace Trust Board shall oversee the administration and management of the Tree Bank and Tree Bank Fund.
4. **Representation.** It is recommended the members of the Greenspace Trust Board include representation from each of the following demographics: suburban residents, rural residents, building/construction profession, landscape architecture profession, horticulture/arboriculture profession, agriculture profession, and/ or education profession.
5. **Education.** In cooperation with the County Arborist and/ or Extension Service Agriculture and Natural Resources Agent, the Greenspace Trust Board shall provide the education of citizens about the benefits of trees.

PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the

greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

PART III.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO ORDAINED this 19th day of November 2013.


CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


MICHAEL EDMONDSON, VICE CHAIRMAN


SONNA SINGLETON, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


SHANA M. ROOKS, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK